

**RECEIVED
CENTRAL FAX CENTER****JAN 08 2007**

09/769,452

REMARKS

Claims 1-25, all the claims pending in the application, stand rejected on prior art grounds. Applicant respectfully traverses this rejection based on the following discussion.

I. The Prior Art Rejections

Claims 1-25 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable Emery et al. (U.S. Patent 5,727,057) in view of Glorikian (U.S. Patent No. 6,343,317) and further in view of Mohi et al. (U.S. Publication No. 2003/0195008).

A. Rejection is Defective Because Mohi is Not Prior Art

The filing date of the Mohi reference is April 23, 2003 and is a continuation-in-part of an application filed July 5, 2001. Both dates are after Applicants' filing date of January 26, 2001. Mohi also claims priority to a provisional application (60/218,454); however, the content of Mohi relied upon in the rejection (paragraph 140 of Mohi) does not appear in the Mohi provisional application (a courtesy copy of which is attached hereto). Therefore, for the content relied upon in the rejection (paragraph 140 of Mohi) the earliest date such matter was known is after Applicants' filing date, and the rejection is therefore defective because Mohi is not prior art.

More specifically, page 4 of the Office Action states that the Emery and Glorikian references do not specifically show the claimed sorting and presenting of location information in a shortest-first order. Therefore, the Office Action refers to paragraph 140 of Mohi as teaching such a feature. However, the Mohi provisional application does not include the discussion that occurs in paragraph 140 of the non-provisional application having a filing date of April 23, 2003. Indeed, the Mohi provisional application is substantially shorter (approximately 45 paragraphs) than the non-provisional application (146 paragraphs) and the discussion within the provisional application is substantially limited to locating what Mohi terms as "rover units" using a GPS

09/769,452

receiver/processor. There is no discussion within the provisional Mohi reference relating to the claimed feature of displaying the information in a shortest-distance-first order.

Thus, because the material relied upon in the Office Action is dated after Applicants' filing date, it is not valid prior art. Therefore, the rejection is defective and should be removed.

B. Merits of the Rejection

Applicant respectfully traverses this rejection because the prior art of record does not teach or suggest the claimed sorting structure/method that presents items to the user in a shortest-distance-first order based upon geographic location of the user and because the prior art of record does not teach or suggest that the sorting process is performed within the client wireless component.

Page 4 of the Office Action states that the Emery and Glorikian references do not specifically show the claimed sorting and presenting of location information in a shortest-distance-first order. Therefore, the Office Action refers to paragraph 140 of Mohi as teaching such a feature. However, paragraph 140 of Mohi merely states that the closest 2 or 3 targets are shown on a map with the user's location. There is no indication that the targets are listed in the claimed "shortest-distance-first order." Instead, in Mohi all of the closest targets are simultaneously illustrated graphically on a map along with the user's location.

In Mohi there is no ordering of the items within the display because they are shown graphically in a longitudinal/latitudinal relationship. With the claimed "shortest-distance-first order," a closer item will be listed before an item that is further away. For example, English language conventions require that documents be read from left to right and top to bottom. Thus, one item is listed before another item if it is closer to the left and/or above another item within the listing. To the contrary, with the graphic mapping orientation of the items as described in paragraph 140 of Mohi, it is easily conceivable that when the map is viewed from left to right and top to bottom, an item that is further away from the user may appear before an item that is closer to the user. Thus, Mohi does not teach or suggest the claimed "shortest-distance-first

09/769,452

order."

Both Emery and Glorikian describe systems and methods that present database information regarding items located within a specific radius of the user (Emery, column 11, lines 63-66; Glorikian column 5, line 37-column 6, line 28). However, within this given radius, Emery and Glorikian are silent regarding how the data is presented to the user. Neither reference teaches or suggests sorting and displaying the data in a "shortest-distance-first order" as defined by independent claims 1, 10, 18, and 23.

Further, both Emery and Glorikian perform the geographic filtering of the data within the database at the base station, and not within the portable device. For example, Emery describes that the service system (102, 113) performs any sorting based upon user queries (column 11, lines 40-57). Similarly, Glorikian illustrates, in Figure 1, relatively unsophisticated wireless components 29, 31 with all the sorting and database operations being performed within a complicated infrastructure system 11. Therefore, another feature not taught are suggested by the prior art of record is the "sorting, within said CWC," as defined by independent claims 1, 10, and 23 and the "session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager" as defined by independent claim 18. Because of these, and other reasons, the Examiner is respectfully requested to reconsider and withdraw the current rejections.

Neither of these references teach the claimed feature of the invention that performs the shortest-distance-first sorting process. All that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given distance (e.g., one meter, one kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order. Therefore, as explained in greater detail below, it is Applicants' position that the claimed invention is patentable over the prior of record.

More specifically, the Office Action argues that in column 5, line 37-column 6, line 28, Glorikian explains that information can be sorted, within said CWC, in a shortest-distance-first

09/769,452

order. However, Applicants respectfully submit that Glorikian only discloses displaying all data related to a nearby location (that is, data who's distance is less than the given threshold distant), without sorting the information in a shortest-distance-first order.

More specifically, the example provided in column 5, line 37-column 6, line 28, of Glorikian discusses a tourist walking around historic Colonial Williamsburg Virginia and being provided descriptive information of items that occurred at the users present location (without any information sorted in a shortest-distance-first order). For example, column 6, lines 1-14 described that the user is provided information regarding a certain house when the user is positioned in front of the house, without any shortest-distance-first order being placed on information. Similarly, in the Metropolitan Museum of Art in Manhattan New York example appearing in column 7, line 27-column 8, line 38, the user is provided information regarding the room that they are entering, or information on the exhibit in front of which they are standing, without any shortest-distance-first order being placed on the information. Glorikian stresses the importance of the rate of user movement and pattern of user movement as determining what granularity or type of information is provided to the user (column 6, lines 29-38; column 8, lines 27-38).

Even the advertising information discussed in columns 10 and 11 is not sorted or presented to the user in a shortest-distance-first order. While Glorikian explains that the advertisements can be made in "a geographically-focused manner" this information is simply evaluated for a given radius or distance without being provided in shortest-distance-first order. For example, in column 10, lines 54-57, Glorikian explains that a list of local restaurants can be provided to the user; however, nowhere does Glorikian describe that this list is provided in a shortest-distance-first order. Similarly, in the remainder of that paragraph and in the following paragraphs appearing in column 10, line 57-column 11 line 6, Glorikian explains that the information that is provided to the user can be changed as the user's location changes. However, again, Glorikian only provides information regarding the travelers "instant location" indicating that the data is provided for a certain distance or radius from the user, without any indication that the information is provided in the shortest-distance-first order as defined by Applicants' claims.

09/769,452

Furthermore, there is no implication that any sorting process is performed when providing information that is within a given distance from a user. The only process that can be inferred from the teachings of Glorikian and Emery is that a yes/no selection process is performed that only presents information that meets the given criteria (e.g., within one kilometer of position X), without any indication of any sorting being performed. Therefore, all that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given distance (e.g., one meter, one kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order.

In the examples in Glorikian, data that is near the user's current position is pushed to the user's CWC. This is a selection process where all data related to a nearby location (that is, its distance is less than the given threshold) is pushed to the CWC. Glorikian does not discuss how data about multiple nearby locations would be prioritized.

Thus, it is Applicants' position that the prior art of record does not teach or suggest "sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC ; and displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC" (claims 1, 10, and 23) or "a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order" (claim 18). Therefore, it is Applicants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record.

Both Emery and Glorikian perform the geographic filtering of the data within the database at the base station, and not within the portable device. To the contrary, in the claimed invention, the sorting process occurs within the wireless device itself.

For example, Emery describes that the service system (102, 113) performs any sorting based upon user queries (column 11, lines 40-57). Similarly, Glorikian illustrates, in Figure 1, a relatively unsophisticated wireless components 29, 31 with all the sorting and database

09/769,452

operations being performed within a complicated infrastructure system 11. Therefore, another feature that is not taught are suggested by the prior art of record is the "sorting, within said CWC," as defined by independent claims 1, 10, and 23 and the "session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager" as defined by independent claim 18.

More specifically, as shown in Figure 1 of Emery, the mobile device 105.1 does not include any sorting capabilities. Similarly, Glorikian illustrates, in Figure 1, that all the sorting and database operations are performed within a complicated infrastructure system 11. To the contrary, the claimed invention does not require substantial changes to the existing infrastructure and instead includes the sophistication and inventive features within the wireless device itself.

II. Formal Matters and Conclusion

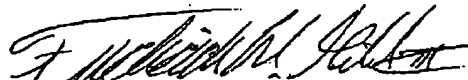
Thus, it is Applicants' position that the prior art of record does not teach or suggest "sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC ; and displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC" (claims 1, 10, and 23) or " a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order" (claim 18). Therefore, it is Applicants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record. Dependent claims 2-9, 11-17, 19-22, 24, and 25 are similarly patentable. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

09/769,452

Please charge any deficiencies and credit any overpayments to Attorney=s Deposit
Account Number 09-0441.

Respectfully submitted,

Dated: 1-8-07



Frederick W. Gibb, III
Reg. No. 37,629

Gibb I.P. Law Firm, LLC
2568-A Riva Road
Suite 304
Annapolis, MD 21401
(301) 261-8071
Customer Number: 29154